Development Provision Covenants/Guidelines

Moncton Industrial Park
Caledonia Industrial Estates

Moncton Industrial
Development

MONCTON INDUSTRIAL PARK
AND
CALEDONIA INDUSTRIAL ESTATES
MONCTON, N.B.

DEVELOPMENT CONTROLS

1. 1.1 Erection of Building - no building, structure or any addition thereto shall be erected on the said lands unless written approval has been received from the Grantor or the Grantor's authorized agent.

1.2 Use of Land, Buildings or Structures - no lands, buildings or structures shall be used for any purposes other than manufacture, fabricating, processing, repair, assembly, or storage of any products, except that any ancillary services, offices and caretaker's quarters shall be permitted, unless written approval has been received from the Grantor or the Grantor's authorized agent.

1.3 Preparation of Designs - All plans and specifications submitted for approval must be prepared by a registered Architect or engineer, and shall bear his stamp.

1.4 Criteria for Approval - Approval of plans and specifications shall be based on considerations such as operations and uses, adequacy of the site plan, adequacy of structural design, harmony of external building and landscaping design with neighbouring sites, effect of location and use of building on neighbouring sites; relation of topography, grade and finished ground elevation of the site to that of neighbouring sites, and conformity of the plans and specifications generally to the advancement of a quality Industrial Park.

1.5 Application for Approval - Application to the Grantor for approval shall include, but not necessarily be limited to, the following:

a) Site Plan and Specifications - Including the dimensions and area of the land, the existing and proposed contours of the land, the location of buildings and structures (including distances from front, side and rear lot lines), the location of driveways, parking and loading areas, the location of a central refuse collection area, rail spur lines, utilities, sodded areas, trees, shrubbery and gardens, fences, signs, exterior lighting, all proposed operations on or uses of the land, buildings and structures, and staging of development.

Reference shall be made to the City of Moncton bulletin and the sample Site Plan.

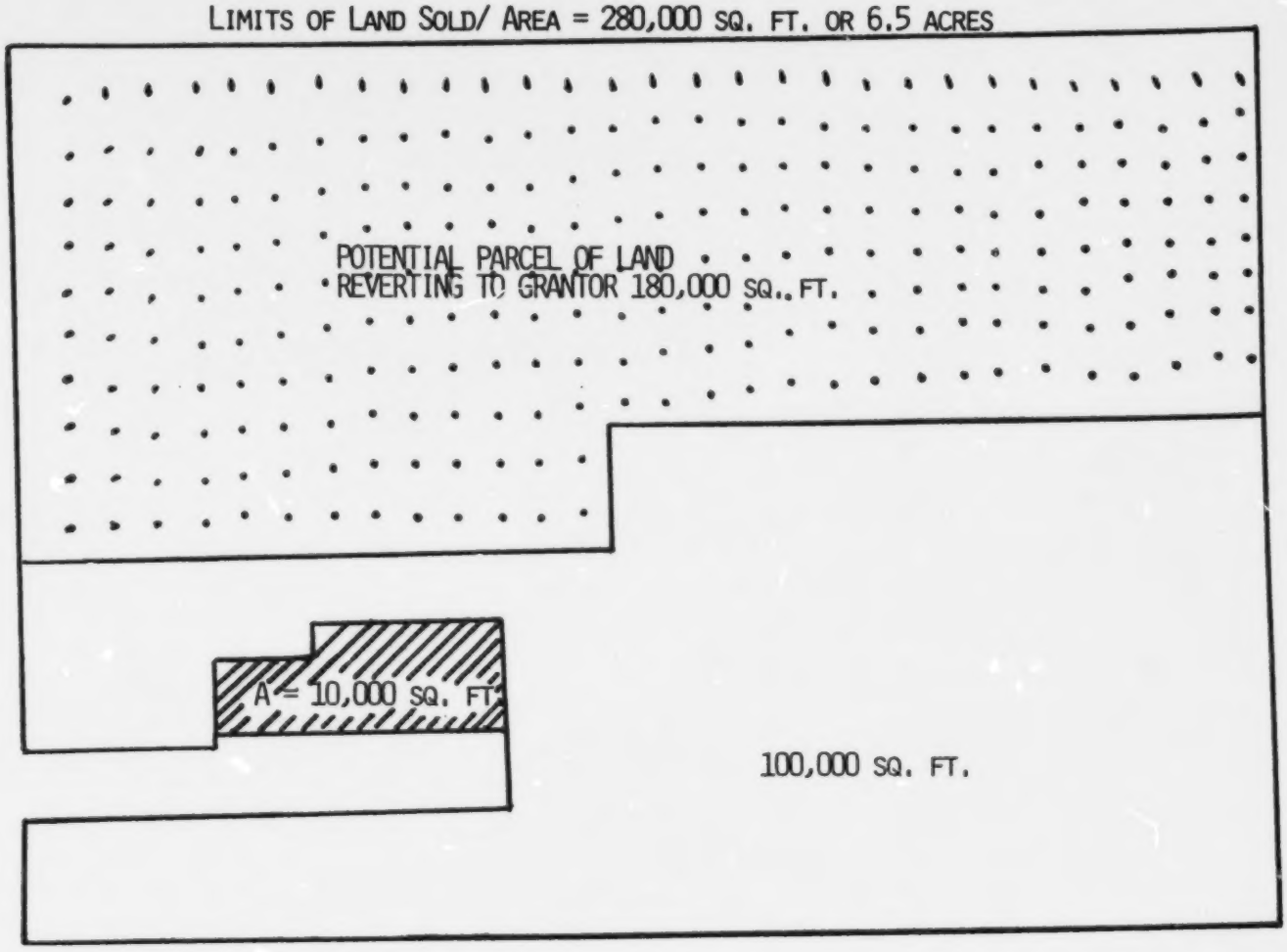
b) Building Drawings and Specifications - indicating floor plans, all area calculations, all elevations, description of exterior materials, finishes and colours, coloured perspective drawings from the street view, all operations and uses and staging of development.

The word building or structure shall include, but without limiting the generality of the foregoing, any water tower, smoke stack, power transformer, pump house, roof structures, air conditioning unit tank, underground facilities and services or any building or structure.

2. LAND UTILIZATION

2.1 The Grantee will not resell the unimproved lands or any part thereof to any person, firm or corporation without first offering to sell the said lands back to the Grantor at the original purchase price.

LAND UTILIZATION (ILLUSTRATIVE SKETCH)


LIMITS OF LAND SOLD/ AREA = 280,000 SQ. FT. OR 6.5 ACRES
POTENTIAL PARCEL OF LAND
REVERTING TO GRANTOR 180,000 SQ. FT.
A = 10,000 SQ. FT.
100,000 SQ. FT.

EXAMPLE:

- TOTAL LAND PURCHASED 280,000 SQ. FT.
- BUILDING AREA ERECTED 10,000 SQ. FT.
- ELIGIBLE LAND AREA RETAINED WITH BUILDING 10 x 10,000 = 100,000 SQ. FT.
- POTENTIAL LAND TO REVERT TO GRANTOR 180,000 SQ. FT.

2.2 The Grantee covenants and agrees to start the erection of an industrial building on the said lands within one year of the date of closing and to complete such building within one year of the date of the start of construction. If such building is not started and completed within such times, the Grantor may at its option repurchase the said lands at the original selling price and without interest.

2.3 At the expiration of five (5) years from the date of transfer to the Grantee, the Grantor may require the Grantee to resell to the Grantor all or any portion of the site not covered by buildings, structures, driveways, and parking and loading areas at the price at which the lands have been sold by the Grantor to the Grantee. Lands in excess of ten times the gross area of permanent buildings, in accordance with the example shown on the illustrative sketch attached.

2.4 Upon payment by the Grantor of the balance of the price due upon such repurchase of the lands, the Grantee will release and reconvey to the Grantor all right, title and interest of the Grantee free and clear of all liens, charges or other encumbrances.

2.5 Areas not in the initial development stage shall have direct access to a developed public thoroughfare.

3. PERFORMANCE STANDARDS

The lands or any part thereof, any building or structure erected or placed thereon, shall not be used for any purpose and in any manner which shall be a nuisance to the occupants or owners of any neighbouring lands or buildings by reason of emissions from the lands, building, or structures such as odours, gases, dust, smoke, noise, fumes, cinders, soot, waste, radiation or vibration, or be contrary to city, regional, provincial or federal legislation controlling pollution.

4. BUILDING HEIGHT

No building or structure shall exceed forty feet (40') in height, exclusive of a tower or other roof structure which is used to house the mechanical equipment of the building.

5. BUILDING SET BACK

5.1 The distance between any building or structure and the front lot line shall not be less than the height or width of the building or structure, whichever is the greater, except that the distance need not be greater than seventy-five feet (75') and in no case less than forty feet (40').

5.2 The distance between any building or structure and the side and rear lot lines shall not be less than the height of the building or structure, with an absolute minimum of ten feet (10').

6. ARCHITECTURE

6.1 Evaluation of the appearance of a building or structure by the Grantor shall be based on quality of design and relationship to surroundings.

6.2 The exterior materials, finishes and colours of a building or structure shall be approved in writing by the Grantor or the Grantor's authorized agent.

6.3 Exterior lighting shall be approved in writing by the Grantor or the Grantor's authorized agent. No exterior lighting shall be erected or operated which sheds direct light on neighbouring sites to the extent of being a nuisance.

6.4 All buildings or structures erected on the lands and all undeveloped portions of the site shall be maintained in good order and repair at all times.

7. LANDSCAPING

7.1 No building or structure shall be erected unless the landscaping plan for the entire site upon which the building or structure is erected (excluding those portions covered by buildings, structures, parking areas, loading areas, and driveways), has been approved by the Grantor or the Grantor's authorized agent. The site plan may be utilized for this purpose.

7.2 Trees shall not be removed by the Grantee without the consent of the Grantor or the Grantor's authorized agent, except where they are located within the areas proposed for construction. If any tree which is to be retained shall be cut down, removed, or damaged, the tree shall be replaced to the satisfaction of the Grantor.

7.3 Those portions of the site between buildings and front and site lot lines which are not covered by buildings, structures, parking areas, loading areas or driveways will be sodded and landscaped. All landscaping shall be commenced as soon as construction is completed and weather permits but in no event beyond one (1) year from the substantial completion of the building or structure.

7.4 Not less than fifteen percent (15%) of the total area of the site shall be landscaped.

7.5 Sodded areas, trees, shrubbery and gardens shall be kept neat and orderly in appearance at all times and shall be maintained in a healthy condition.

8. FENCES

8.1 Fences shall not be erected by the Grantee without the written approval of the Grantor or the Grantor's authorized agent of the location, design and material.

8.2 Fences shall not be permitted between buildings and front lot lines.

8.3 Fences shall at all times be kept in a proper state of repair.

9. OUTSIDE STORAGE

Partially finished or finished products, equipment, parts or other materials shall not be kept, stored or left on the lands, unless the location and size of the storage area shall have first been approved in writing by the Grantor or the Grantor's authorized agent. Storage areas shall be suitably screened with growing trees, hedges, fences, walls or a combination thereof approve in writing by the Grantor or the Grantor's authorized agent.

10. REFUSE STORAGE

A central refuse storage collection area shall be provided and maintained. The refuse storage area shall be at the same level as adjacent parking areas and driveways and shall be suitable screened with growing trees, hedges, fences, walls or a combination thereof. The location, size and screening of the refuse storage area shall be approved in writing by the Grantor or the Grantor's authorized agent. The criteria of approval is that the designated area shall not be visually objectionable when viewed from public thoroughfares.

11. LOADING, PARKING AND DRIVEWAYS

11.1 For every building or structure erected on the lands, there shall be provided and maintained accessible off-street loading facilities consisting of one or more loading spaces at least fifty feet (50') long and fifteen feet (15') wide, exclusive of driveway or access area, and having a vertical clearance of at least ten feet (10') and in accordance with the following:

	Total Floor Area of Building	Number of Loading Spaces Required
(i)	Greater than 5,000 square feet of floor space, but less than 30,000 square feet of floor space	1 loading space
(ii)	30,000 square feet of floor space or more, but less than 80,000 square feet of floor space	2 loading spaces
(iii)	80,000 square feet of floor space or more, but less than 150,000 square feet of floor space	3 loading spaces
(iv)	150,000 square feet of floor space or more	3 loading spaces and 1 additional loading space for every additional 100,000 square feet of floor space in excess of 150,000 square feet.

11.2 Three (3) parking spaces of at least twenty feet (20') long and ten feet (10') wide, excluding driveways, shall be provided for every four (4) employees based on the largest working shift.

11.3 Driveways shall be provided to give access to parking and loading areas, and shall be at least ten feet (10') in width unless the driveway is a joint ingress and egress driveway in which case the width shall be twenty five feet (25'). Applicable City standards shall apply for entrance radii at street lines.

11.4 No driveway shall be located within fifty feet (50') of any intersection of public roads.

11.5 All driveways, parking areas, and loading areas shall have, as a minimum, a bituminous topping surface placed by the Grantee within one (1) year of the substantial completion of the building or structure.

11.6 All driveways, parking and loading areas shall at all times be kept in a proper state of repair.

12. SIGNS

12.1 No signs, billboards, notices or other advertising material of any kind shall be placed on any part of the land, or on any building or structure, or on any fence or tree on the land without the approval in writing of the Grantor or the Grantor's authorized agent.

12.2 Evaluation of the appearance of a sign shall be based on quality of design, including size,colour, lettering and location.

12.3 Not more than one (1) ground-mounted sign or one (1) combined ground-mounted and directory sign, or one(1) building-mounted sign shall be permitted for any building or structure except those abutting more than one(1) public street shall be permitted one (1) sign per public street.

12.4 Signs for the direction of traffic and the location of parking or loading areas shall be permitted.

12.5 A sign for the direction of traffic or the location of parking or loading areas shall not exceed three (3) square feet in size.

12.6 A ground-mounted sign shall not exceed six feet (6') in height nor be closer than twenty five feet (25') to any lot line. In no case shall the sign be located to obstruct the view of motor vehicles.

12.7 A building-mounted sign shall not extend above the eaves or cornice at that part of the wall of the building or structure to which the sign is affixed provided that no sign shall be affixed to any water tower, smoke stack, power transformer, pump house, roof structures, air conditioning unit, tank or any addition to any building or structure.

12.8 Signs illuminated by flashing or blinking lights will not be approved.

13. UTILITIES

Improved overhead wiring shall be provided from the lot line to any building or structure erected on the lands, and shall be maintained in good order and repair at all times.

CITY OF MONCTON
PLANNING DEPARTMENT

APPLICATION AND PLANS FOR BUILDING PERMITS ON INDUSTRIAL PROPERTIES

This bulletin is issued to explain the policy of the City of Moncton regarding the above-noted matters. This information is for the benefit of everyone who is directly or indirectly involved in the construction of new buildings and additions.

Before construction begins, an application must be made for a building permit, and the permit acquired. Detailed plans for the project must be submitted with each application. Such detailed plans are circulated throughout this Department in order that they can be checked by the various sections affected, e.g. Planning and Engineering, as well as, the Building and Plumbing Inspection offices and the Health Department. In this way, the Inspector of Buildings is assisted in determining whether or not the proposed building conforms to all City By-Laws and regulations. This must be certified by him before a permit is issued.

An original reproductible copy (mylar or linen) of the Site Plan is required with each application for approval. Plans must include a Site Plan showing all service facilities designed to serve the whole of the applicant's property. Sufficient surface elevations must be included on the drawing to indicate that no roof and surface water will be discharged or permitted to escape onto adjoining lands or road allowances. The final grade of the lands shall be so fixed, to the satisfaction of the City Engineer, that the storm water, including surface and roof drainage, will be discharged into an internal system of storm sewers.

As a condition of being granted a building permit, the Owner shall, in the Development Agreement, guarantee the adequate performance and maintenance of his proposed on-site method of storm water disposal to the extent that the conditions of the City's Drainage By-Laws, are met.

All private drain connections and water service which are to be located within a street allowance, shall be constructed by the City. All drains should be sized and graded to accommodate the present and future requirements of the entire property including all internal plumbing and all yard drainage. All drains on private property will be inspected and approved by the City Building Department to ensure compliance with the minimum standards set out in the New Brunswick Plumbing Regulations.

An inspection and sampling manhole must be provided on each sanitary private drain connection which carries any industrial waste. This manhole must be located on the Owner's property just inside the street line, and is to be constructed and maintained at the Owner's expense. Access to manhole by the City must be available at all times.

With reference to central garbage storage, the designated area should be screened to prevent garbage scattering, accessible for removal and so located that it is not visually conspicuous to the passing motorist.

Parking facilities must be shown in detail on the site plan to indicate that there are sufficient parking spaces for the proposed development. Ramps and driveways on the road allowance must be wide enough (within the maximum permitted width and must be located such that a sufficient radius at the entrance will provide adequate access for all types of vehicles. Applicable City Standards shall apply. Where storm sewer culverts under driveways are required, the Developer shall make application to the appropriate City Department. Culvert will be installed by the City at the Developer's expense.

To assist in speeding up the processing of applications for building permits, three (3) sets of preliminary plans should be submitted to the Moncton Industrial Development Commissioner as far in advance of the desired date of the building permit as possible. This will enable all sections to check over the plans for possible suggestions, modifications or amendments.

After the plans have been circulated to the various sections, any suggestions, modifications or amendments will be noted. A set of revised plans should then be submitted with the formal application for a building permit.